

ADMINISTRATIVE OFFICE OF THE COURTS

NOTICE TO PERSONS WHO FILE DOCUMENTS WITH A COURT - AMENDED

You may have seen notices that I recently published concerning new Rule 1-322.1, which went into effect on July 1, 2013. I want to bring to your attention some recent amendments to Rule 1-322.1, which could have far-reaching effects on the filing of papers with a Maryland court. As originally adopted, that rule instructs attorneys or other persons who file a record with a court to keep unnecessary personal identifier information out of the court record, unless there is a legal obligation to include such information.

On July 2, 2013, the Court of Appeals amended Rule 1-322.1 in three important ways:

1. Rather than applying to all court records, the Rule has been limited to “pleadings and other papers filed in an action”—in other words, litigation records. The Rule no longer applies to notice records (including land records), administrative records, or business license records.
2. The Rule no longer includes dates of birth as personal identifier information that filers must exclude from court filings, through redaction or other preventative action.
3. As amended, the Rule now only applies to filings “by a person other than a judge or judicial appointee.”

My earlier public notices otherwise are still valid. Therefore, persons who file documents with the court that will be displayed on the internet (presently, only land records) should be aware of Real Property Article § 3-111(b), which provides, “On or after June 1, 2010, a person may not include personal information in a deed or other recordable instrument intended for recording.” (It follows that there is no need to put Social Security numbers or driver’s license numbers in a recordable instrument.) Therefore, unless it is necessary, please do not include any personal identifying information in pleadings or other papers filed with a court. If it is necessary to include such information, take the proper measures to ensure that the information remains confidential.

Finally, with respect to *case records* that are being filed with a court, the filer should remember that there already is an obligation in Rule 16-1010(a) for the filer to notify the custodian if there is confidential information included in that record. The notification should be in writing and specifically inform the clerk what information is confidential.

The amendments will take effect for filings that occur on or after July 9, 2013.

FRANK BROCCOLINA
State Court Administrator